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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/822,183  | 04/08/2004  | Edward Grivna        | 16820P296           | 1767             |
| 8791  | 7590        | 05/16/2005           | EXAMINER            |                  |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN<br>12400 WILSHIRE BOULEVARD<br>SEVENTH FLOOR<br>LOS ANGELES, CA 90025-1030 |             |                      | WILLIAMS, HOWARD L  |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2819                 |                     |                  |

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-A

|                              |                    |                |  |
|------------------------------|--------------------|----------------|--|
| <b>Office Action Summary</b> | Application No.    | Applicant(s)   |  |
|                              | 10/822,183         | GRIVNA, EDWARD |  |
|                              | Examiner           | Art Unit       |  |
|                              | Howard L. Williams | 2819           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date <u>040804</u>.</li> </ol> | <ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol> |
|---|--|

The examiner acknowledges receipt of the information disclosure statement on 08 April 2004. An initialed copy of the reference citation form should accompany this letter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,177,482 to Cideciyan et al. Cideciyan discloses a RLL encoder operating on plural bytes in parallel pipeline to encode the eight bit source words to ten bit codewords (8B/10B). Cideciyan discloses evaluating a source character to determine the state value for that character to determine whether the state value will be either changed or not changed by the byte as a function of the previous state and the state indicator for the current source word (37, fig. 2) (col. 7, lines 39-54). Figure 2 shows the system for one byte whereas figures 6A and 6B show the pipeline arrangement for operating on four input bytes by placing multiple copies of single encoder in parallel. Cideciyan discloses comparing the previous state bit (15; fig. 2) with the current state indication (33; fig. 2) to determine whether the current source word will cause state toggling, i.e. the claimed "flip/hold" bit of the present application. The state toggling indicator is produced as a function of the current input byte held in input register (11; fig. 2). In the single word depiction of figure 2 the previous state and current state toggle indicator are compared in the exclusive OR gate (XOR 31; fig. 2) and feedback to a portion of the register 11 [S(N)]. In the pipelined or plural byte embodiment figure 5 the state value is passed to next stage of the plural byte encoder (36A; fig. 5; 36 fig. 4). After the last stage the output of the state comparison is fed back to the first stage (36D; fig. 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard L. Williams at telephone number (571) 272-1815.

5/12/05  
Voice: (571) 272-1815

*Howard L. Williams*  
Howard L. Williams  
Primary Examiner  
Art Unit 2819